

The text below is an internet version of the Rules made by the Financial Services Commission under section 93 of the Financial Services Act 2007 and section 155 of the Securities Act 2005 and is for information purpose only. Whilst reasonable care has been taken to ensure its accuracy, the authoritative version is the one published in the *Government Gazette* of Mauritius.

SECURITIES (BROKERAGE FEES FOR EXCHANGE TRADED FUNDS ON FOREIGN UNDERLYINGS) RULES 2013 (*Consolidated version with amendments as at 10 April 2021*)

FSC Rules made by the Financial Services Commission under section 93 of the Financial Services Act 2007 and section 155 of the Securities Act 2005.

1. Citation

These rules may be cited as the Securities (Brokerage Fees for Exchange Traded Funds on Foreign Underlyings) Rules 2013.

2. Interpretation

“Act” means the Securities Act 2005;

“Clearing and Settlement Facility” has the same meaning as in the Act;

[Amended by GN No. 244 of 2019]

“Commission” has the same meaning as in the Act;

"debt security" includes debentures, debenture stock, loan stock, bonds, convertible bonds or other similar instruments;

“Exchange Traded Funds” means fully funded and unleveraged securities listed on a securities exchange that track the performance of a specified security or other asset or group of assets which include indices, commodities, currencies or any other asset acceptable to the securities exchange;

“foreign underlying” means a security or group of securities issued by a foreign issuer or an asset or group of assets held in a foreign jurisdiction, including indices, commodities and currencies that are not listed on a securities exchange in Mauritius;

“investment dealer” has the same meaning as in the Act;

“securities exchange” has the same meaning as in the Act.

3. Brokerage Fee

(1) Every investment dealer licensed under the Act shall, after the completion of a transaction in Exchange Traded Funds on foreign underlyings on a securities exchange, recover from its client a brokerage fee which shall be a fair amount with

regard to the value of the consideration of the transaction, after taking into consideration factors such as costs, fees payable to the securities exchange, the clearing and settlement facility and the Commission.

Amended by [GN No 74 of 2021]

(2) The brokerage fee referred to in paragraph (1) shall be applicable to all transactions in Exchange Traded Funds on foreign underlyings.

(3) –

Amended by [GN No. 244 of 2019], Deleted by [GN No 74 of 2021]

(4) Every investment dealer must publish its maximum brokerage fee prominently on its website, disclosing the information prescribed in the schedule to these Rules.

Inserted by [GN No 74 of 2021]

(5) The Commission reserves the right to require the maximum brokerage fee to be revised downwards if, in the opinion of the Commission, it is excessive or abusive.

Inserted by [GN No 74 of 2021]

(6) The amount payable to the Commission shall be as specified in the Schedule.

Inserted by [GN No 74 of 2021] Amended by [GN No 88 of 2021]

(7) The brokerage fee claimed by an investment dealer from its client shall be disclosed to its client together with the amounts payable to the investment dealer, the securities exchange, the clearing and settlement facility and the Commission in respect of the relevant transaction.

Inserted by [GN No 74 of 2021]

4. Commencement

These Rules shall come into operation on 15 July 2013.

Made by the Financial Services Commission on 10 July 2013.

SCHEDULE

(Rule 3)

PART I

For transactions where the foreign underlying of the Exchange Traded Fund is a security other than a debt security

The Commission
% of transaction value
0.014

[Amended by GN No. 244 of 2019, GN No. 88 of 2021]

PART II (a)

For transaction value on Exchange Traded Funds with debt securities as foreign underlyings which exceeds or equals Rs 75,000

The Commission
% of transaction value
0.0025

[Amended by GN No. 244 of 2019, GN No. 88 of 2021]

PART II (b)

For transaction value on Exchange Traded Funds with debt securities as foreign underlyings which is less than Rs 75,000

The Commission
Rs 2

[Amended by GN No. 244 of 2019, GN No. 88 of 2021]